

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2002-316

June 11, 2002

FOX ISLAND ELECTRIC COOPERATIVE, INC.
Request for Waiver Under Chapter 120 from the
60-Day Notice to 38 Days

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On May 31, 2002, Fox Island Electric Cooperative, Inc. (FIEC), a consumer-owned electric utility, filed its notice with the Commission that it intended to increase its rates pursuant to the provisions of 35-A M.R.S.A. § 3502. Subsection (2) of section 3502 requires that a consumer-owned utility that wishes to increase its rates under 35-A M.R.S.A. § 3502, provide the Commission and the Public Advocate (OPA) with a notice of its intent to request such an increase, sixty days prior to the time of the required public hearing on the utility's request. In its filing, FIEC states:

Given a serious deficiency in FIEC's revenues affecting TIER, caused in part by insufficient allowance in its rates for cable maintenance, it would like to proceed to that hearing as early as possible. It proposes to hold the hearing on July 12, 2002.¹

Consequently, FIEC requests a waiver from the sixty-day notice requirement and that it be allowed to proceed on 38 days' notice.

We have reviewed FIEC's request and we find that the Commission is in no way prejudiced by the giving of less than sixty days' notice in this instance. The Public Advocate has also reviewed FIEC's request and has informed the Commission that he is willing to waive any objection to the prehearing notice. Given these circumstances, the Commission waives any objection that it might have to the FIEC's request to provide the Commission and the OPA with less than sixty days' notice.

In its filing, FIEC also requests that it be allowed to put the proposed increase into effect in less than 30 days from the time of filing its tariffs after the public hearing as required by 35-A M.R.S.A. § 3502(7). We do not rule on this request at this time. As part of its notice to its ratepayers, FIEC should inform its ratepayers of its intent to request that the rates be put into effect on less than the statutory minimum period. After the public hearing on its requested increase, FIEC may renew its request for the waiver of the effective date requirements. At

¹As used here, the term "TIER" refers to the Times Interest Earned Ratio.

such time, FIEC shall inform the Commission as to whether there was any objection to the proposed waiver during the public hearing process and, if so, the extent of such objection.

Dated at Augusta, Maine, this 11th day of June, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.